



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON  
GOVERNOR

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July 1, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Bill No. 278 entitled:

AN ACT

To amend chapter 9, RSMo, by adding thereto one new section relating to federal holidays.

I disapprove of House Bill No. 278. My reasons for disapproval are as follows:

House Bill No. 278 would prohibit governmental entities from regulating activities relating to "federal holidays." The legislation would cover a wide scope of activities falling within the undefined terms of "practice" and "celebration." House Bill No. 278 constitutes a direct assault on local government authority and curtails the flexibility that cities and counties need to address pressing public health and safety concerns. Indeed, House Bill No. 278 does not contain a public safety exception. As a result, local governments would be hampered in their efforts to enforce existing fireworks ordinances around July 4<sup>th</sup>. More troubling, House Bill No. 278 would greatly frustrate a ban on fireworks imposed during a period of severe fire risk. During 2012, as much of Missouri experienced drought conditions and large fires put Missourians and their property in peril, many jurisdictions prudently passed fireworks bans. If House Bill No. 278 were to become law, individuals would be permitted to circumvent such bans by simply claiming the fireworks were being used to celebrate July 4<sup>th</sup> or other federal holiday. Restricting local control in such a manner is harmful to public safety and cannot receive my approval.

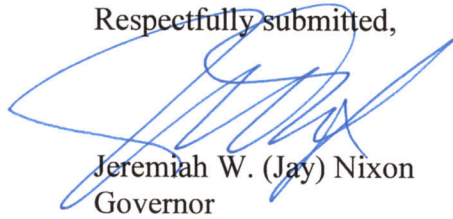
The problems with House Bill No. 278 go beyond issues related to public safety. Indeed, under the broad language of the bill, public sector employees at the state and local level could demand leave from work in order to celebrate any federal holiday. This could cause staffing shortages for essential governmental functions including twenty-four hour institutions such as veterans homes, mental health facilities and county jails.

It also deserves noting that House Bill No. 278 is not limited to federal holidays celebrated in Missouri. For instance, in addition to the annual federal holidays, 5 U.S.C. 6103 also establishes

January 20<sup>th</sup> in years when a president is inaugurated as a federal holiday in the District of Columbia and certain parts of Maryland and Virginia. Although presumably beyond its intent, the fact that House Bill No. 278 would grant sanctuary from reasonable restrictions to an individual celebrating an event occurring more than 800 miles from Missouri confirms the challenges created by this legislation.

In accordance with the above stated reasons for disapproval, I am returning House Bill No. 278 without my approval.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Nixon", is written over the printed name and title.

Jeremiah W. (Jay) Nixon  
Governor